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—and—

Jeffrey Chubak (*Pro Hac Vice to be Filed*)  
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*Attorneys for B.E. Capital Management Fund LP*

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

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In re:

PERSEON CORPORATION,

Debtor.

**Case No. 16-24435 (RKM)**

Chapter 11

Honorable R. Kimball Mosier

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**EX PARTE MOTION TO ALLOW B.E. CAPITAL MANAGEMENT  
FUND LP'S LEAD COUNSEL, JEFFREY CHUBAK OF STORCH AMINI & MUNVES  
PC, TO APPEAR AND ARGUE TELEPHONICALLY AT JULY 12 HEARING**

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B.E. Capital Management Fund LP, a creditor and equity security holder in this case, through counsel, hereby moves for an Order, substantially in the form submitted herewith, allowing its lead counsel, Jeffrey Chubak of Storch Amini & Munves PC, to appear and argue telephonically at the hearing scheduled for July 12, 2016 at 2:00 p.m. in this case (the

“Hearing”), and at any continued hearing on the matters to be addressed at the Hearing, and in support thereof and respectfully states:

1. B.E. Capital has filed objections to the following motions which are scheduled to be considered at the Hearing:

- (a) application to employ Dorsey & Whitney LLP as attorneys for Perseon Corporation (the “Debtor”) pursuant to Bankruptcy Code section 327(a) [ECF Nos. 14-15];
- (b) application to employ SunTrust Robinson Humphrey as investment banker for the Debtor pursuant to section 327(a) [ECF No. 57]; and
- (c) Debtor’s motion to assume its employment agreement with Clinton E. Carnell, Jr., as amended [ECF No. 63].

2. B.E. Capital has also moved to admit Mr. Chubak *pro hac vice*, with Michael R. Johnson and David H. Leigh of Ray Quinney & Nebeker PC serving as local counsel.

3. No statutory committee has been appointed in this case, and neither the United States Trustee nor any other party in interest has filed an objection to the foregoing applications and motion.

4. Mr. Chubak resides and works in New York. It would be unduly burdensome for him to travel to Utah to attend the Hearing in person.

5. At the Hearing, Mr. Chubak will not rely on any additional documents other than those previously filed with this Court. Further, local counsel from Ray Quinney & Nebeker PC will be physically present at the Hearing.

6. Debtor’s counsel has consented to Mr. Chubak’s appearing at the Hearing telephonically.

WHEREFORE, based upon the foregoing, B.E. Capital Management Fund LP respectfully requests that the Court enter an Order, in the form submitted herewith, allowing its lead counsel, Jeffrey Chubak of Storch Amini & Munves PC, to appear and argue at the Hearing.

DATED this 8<sup>th</sup> day of July, 2016.

RAY QUINNEY & NEBEKER P.C.

/s/ Michael Johnson

Michael Johnson  
David H. Leigh

- and -

Jeffrey Chubak  
STORCH AMINI & MUNVES PC  
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New York, New York 10017  
(212) 490-4100

*Attorneys for B.E. Capital Management Fund LP*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 8<sup>th</sup> day of July, 2016, a true and correct copy of the foregoing *Ex Parte Motion to Allow B.E. Capital Management Fund LP's Lead Counsel, Jeffrey Chubak of Storch Amini & Munves PC, to Appear and Argue Telephonically at July 12 Hearing* was electronically filed with the Clerk of Court using the ECF system, and was served via e-mail as follows:

- **Jeffrey M Armington** armington.jeff@dorsey.com, asmus.natasha@dorsey.com;ventrello.ashley@dorsey.com
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- **Penelope Parmes** Penelope.Parmes@troutmansanders.com
- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov
- **Steven T. Waterman** waterman.steven@dorsey.com, bingham.karen@dorsey.com;ventrello.ashley@dorsey.com

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/s/ Dianne Burton

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